

104TH CONGRESS
1ST SESSION

H. R. 1224

To amend title 10, United States Code, to authorize the Secretary of Defense to detail members of the Armed Forces to other Federal agencies to assist such agencies in enforcing the drug, immigration, and customs laws of the United States in border areas, to make certain aliens ineligible for certain social services, and to provide for grants to the States to compensate for State costs associated with resident lawful aliens.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 1995

Mr. DEAL introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on National Security, Agriculture, Commerce, Ways and Means, and Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 10, United States Code, to authorize the Secretary of Defense to detail members of the Armed Forces to other Federal agencies to assist such agencies in enforcing the drug, immigration, and customs laws of the United States in border areas, to make certain aliens ineligible for certain social services, and to provide for grants to the States to compensate for State costs associated with resident lawful aliens.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Border Integrity Act of 1995”.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents

TITLE I—ASSISTANCE OF THE ARMED FORCES IN BORDER
PROTECTION ACTIVITIES

Sec. 101. Use of members of the armed forces to assist in border protection
activities.

TITLE II—INELIGIBILITY OF CERTAIN ALIENS FOR CERTAIN
SOCIAL SERVICES

PART A—INELIGIBILITY OF CERTAIN ALIENS FOR CERTAIN SOCIAL
SERVICES

Sec. 201. Certain aliens ineligible for aid to families with dependent children.

Sec. 202. Certain aliens ineligible for supplemental security income benefits.

Sec. 203. Disqualification of certain aliens to receive food stamp benefits.

Sec. 204. Certain aliens ineligible for medical assistance under medicaid.

Subtitle B—Other Provisions Relating to Aliens

Sec. 211. Sponsor responsibility for costs of income-based cash public assist-
ance provided to an alien.

Sec. 212. Enforcement of affidavits of support or financial responsibility by
State and local governments providing assistance.

Sec. 213. Authority to States and localities to limit assistance to aliens and to
distinguish among classes of aliens in providing income-based
cash public assistance.

TITLE III—GRANTS TO STATES TO COMPENSATE FOR RESIDENT
LAWFUL ALIENS

Sec. 301. Grants to States to compensate for resident lawful aliens.

1 TITLE I—ASSISTANCE OF THE ARMED FORCES
2 IN BORDER PROTECTION ACTIVITIES

3 **SEC. 101. USE OF MEMBERS OF THE ARMED FORCES TO AS-**
4 **SIST IN BORDER PROTECTION ACTIVITIES.**

5 (a) ASSIGNMENT OF MEMBERS TO OTHER AGEN-
6 CIES.—Section 375 of title 10, United States Code, is
7 amended—

8 (1) by striking out “The Secretary” and insert-
9 ing in lieu thereof “(a) RESTRICTION.—Except as
10 provided in subsection (b), the Secretary”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(b) DIRECT PARTICIPATION AUTHORIZED FOR BOR-
14 DER PROTECTION.—(1) Notwithstanding section 1385 of
15 title 18 (popularly known as the “Posse Comitatus Act”),
16 upon the request of the head of a Federal law enforcement
17 agency, the Secretary of Defense may assign members of
18 the Army, Navy, Air Force, and Marine Corps to assist
19 that agency in the enforcement of laws listed in section
20 374(b)(4)(A) of this title in border areas of the United
21 States. The location and scope of the assistance to be pro-
22 vided under this subsection shall be specified in agree-
23 ments entered into between the Secretary of Defense and
24 the head of the Federal law enforcement agency con-
25 cerned.

1 “(2) A member of the armed forces assigned to a law
2 enforcement agency under paragraph (1) may directly par-
3 ticipate in searches, seizures, arrests, or other similar law
4 enforcement activities during the assignment if—

5 “(A) the Secretary of Defense and the head of
6 the Federal law enforcement agency concerned au-
7 thorize the member’s participation; and

8 “(B) the Secretary of Defense certifies to the
9 head of the Federal law enforcement agency con-
10 cerned that the member has satisfactorily completed
11 a course of study regarding the methods and tech-
12 niques required to properly exercise such law en-
13 forcement activities.”.

14 (b) CLERICAL AMENDMENTS.—(1) The heading of
15 such section is amended to read as follows:

16 **“§ 375. Restriction on direct participation by military**
17 **personnel; exception for border protec-**
18 **tion**

19 (2) The item relating to such section in the table of
20 sections at the beginning of chapter 18 of title 10, United
21 States Code, is amended to read as follows:

 “375. Restriction on direct participation by military personnel; exception for
 border protection.”.

1 TITLE II—INELIGIBILITY OF CERTAIN ALIENS
2 FOR CERTAIN SOCIAL SERVICES

3 PART A—INELIGIBILITY OF CERTAIN ALIENS FOR
4 CERTAIN SOCIAL SERVICES

5 **SEC. 201. CERTAIN ALIENS INELIGIBLE FOR AID TO FAMI-**
6 **LIES WITH DEPENDENT CHILDREN.**

7 (a) IN GENERAL.—Section 402(a)(33) (42 U.S.C.
8 602(a)) is amended—

9 (1) by redesignating subparagraphs (A) and
10 (B) as clauses (i) and (ii), respectively;

11 (2) by inserting “(A)” after “(33)”;

12 (3) by adding “and” at the end; and

13 (4) by adding after and below the end the fol-
14 lowing:

15 “(B) provide that, notwithstanding subpara-
16 graph (A), an alien shall not be eligible for aid
17 under the State plan, unless—

18 “(i) the alien has been lawfully admitted to
19 the United States for permanent residence, has
20 attained 75 years of age, and has resided in the
21 United States for at least 5 years;

22 “(ii) the alien has been lawfully admitted
23 to the United States pursuant to section 207 of
24 the Immigration and Nationality Act, and the
25 6-year period that begins with the date the

1 alien was admitted to the United States has not
2 expired;

3 “(iii) the alien has been granted asylum
4 under section 208 of the Immigration and Na-
5 tionality Act, and the 6-year period that begins
6 with the date the alien was so granted asylum
7 has not expired; or

8 “(iv) the alien—

9 “(I) is a veteran (as defined in section
10 101 of title 38, United States Code) with
11 a discharge characterized as an honorable
12 discharge,

13 “(II) is on active duty (other than ac-
14 tive duty for training) in the Armed Forces
15 of the United States, or

16 “(III) is the spouse or unmarried de-
17 pendent child of an individual described in
18 subclause (I) or (II).”.

19 (b) EFFECTIVE DATES.—

20 (1) GENERAL EFFECTIVE DATE.—Except as
21 provided in paragraph (2), the amendments made by
22 subsection (a) shall take effect on October 1, 1995,
23 or on the first day of the first month beginning after
24 the date of the enactment of this Act, whichever oc-
25 curs later, and shall apply to payments under part

1 A of title IV of the Social Security Act for quarters
2 beginning on or after such date, without regard to
3 whether or not regulations to carry out such amend-
4 ments have been promulgated by such date.

5 (2) SPECIAL EFFECTIVE DATE.—If an alien has
6 applied for and is eligible for aid under a State plan
7 approved under part A of title IV of the Social Secu-
8 rity Act, immediately before the amendments made
9 by subsection (a) takes effect in accordance with
10 paragraph (1), then such amendments shall not be
11 effective with respect to such alien until October 1,
12 1996.

13 **SEC. 202. CERTAIN ALIENS INELIGIBLE FOR SUPPLE-**
14 **MENTAL SECURITY INCOME BENEFITS.**

15 (a) IN GENERAL.—Section 1614(a) (42 U.S.C.
16 1382c(a)) is amended by adding at the end the following:

17 “(5) Notwithstanding any other provision of this title,
18 an alien shall not be eligible for benefits under this title
19 unless—

20 “(A) the alien has been lawfully admitted to the
21 United States for permanent residence, has attained
22 75 years of age, and has resided in the United
23 States for at least 5 years;

24 “(B) the alien has been lawfully admitted to the
25 United States pursuant to section 207 of the Immi-

1 gration and Nationality Act, and the 6-year period
2 that begins with the date the alien was admitted to
3 the United States has not expired;

4 “(C) the alien has been granted asylum under
5 section 208 of the Immigration and Nationality Act,
6 and the 6-year period that begins with the date the
7 alien was so granted asylum has not expired; or

8 “(D) the alien—

9 “(i) is a veteran (as defined in section 101
10 of title 38, United States Code) with a dis-
11 charge characterized as an honorable discharge,

12 “(ii) is on active duty (other than active
13 duty for training) in the Armed Forces of the
14 United States, or

15 “(iii) is the spouse or unmarried dependent
16 child of an individual described in clause (i) or
17 (ii).”.

18 (b) EFFECTIVE DATES.—

19 (1) GENERAL EFFECTIVE DATE.—Except as
20 provided in paragraph (2), the amendment made by
21 subsection (a) shall take effect on October 1, 1995,
22 or on the first day of the first month beginning after
23 the date of the enactment of this Act, whichever oc-
24 curs later, and shall apply to payments for months
25 beginning on or after such date, without regard to

1 whether or not regulations to carry out such amend-
2 ment have been promulgated by such date.

3 (2) SPECIAL EFFECTIVE DATE.—If an alien has
4 applied for and is eligible for supplemental security
5 income benefits under title XVI of the Social Secu-
6 rity Act immediately before the amendments made
7 by subsection (a) take effect in accordance with
8 paragraph (1), then such amendment shall not be ef-
9 fective with respect to such alien until October 1,
10 1996.

11 **SEC. 203. DISQUALIFICATION OF CERTAIN ALIENS TO RE-**
12 **CEIVE FOOD STAMP BENEFITS.**

13 (a) AMENDMENT.—Section 6 of the Food Stamp Act
14 of 1977 (7 U.S.C. 2015) is amended by adding at the end
15 the following:

16 “(i) An alien who is otherwise eligible to participate
17 in the food stamp program shall not be eligible to partici-
18 pate in the food stamp program unless—

19 “(1) the alien has been lawfully admitted to the
20 United States for permanent residence, has attained
21 75 years of age, and has resided in the United
22 States for at least 5 years;

23 “(2) the alien has been lawfully admitted to the
24 United States pursuant to section 207 of the Immi-
25 gration and Nationality Act, and the 6-year period

1 that begins with the date the alien was admitted to
2 the United States has not expired;

3 “(3) the alien has been granted asylum under
4 section 208 of the Immigration and Nationality Act,
5 and the 6-year period that begins with the date the
6 alien was so granted asylum has not expired; or

7 “(4) the alien—

8 “(A) is a veteran (as defined in section
9 101 of title 38, United States Code) with a dis-
10 charge characterized as an honorable discharge,

11 “(B) is on active duty (other than active
12 duty for training) in the Armed Forces of the
13 United States, or

14 “(C) is the spouse or unmarried dependent
15 child of an individual described in subparagraph
16 (A) or (B).”.

17 (b) EFFECTIVE DATES AND APPLICATION OF
18 AMENDMENT.—

19 (1) GENERAL EFFECTIVE DATE.—Except as
20 provided in paragraphs (2) and (3), the amendment
21 made by subsection (a) shall take effect on October
22 1, 1995, or on the first day of the first month begin-
23 ning after the date of the enactment of this Act,
24 whichever occurs later.

1 (2) SPECIAL EFFECTIVE DATE.—Except as pro-
2 vided in paragraph (3), if an alien is participating
3 in the food stamp program immediately before the
4 amendment made by subsection (a) takes effect in
5 accordance with paragraph (1), then such amend-
6 ment shall not be effective with respect to such alien
7 until October 1, 1996.

8 (3) APPLICATION TO CERTIFICATION PERI-
9 ODS.—The amendment made by subsection (a) shall
10 not apply with respect to an alien for certification
11 periods beginning before the date such amendment
12 is effective with respect to such alien.

13 **SEC. 204. CERTAIN ALIENS INELIGIBLE FOR MEDICAL AS-**
14 **SISTANCE UNDER MEDICAID.**

15 (a) IN GENERAL.—Section 1903(v) (42 U.S.C.
16 1396b(v)(1)) is amended—

17 (1) in paragraph (1)—

18 (A) by striking “paragraph (2)” and in-
19 serting “paragraphs (2) and (4)”, and

20 (B) by striking “who is not lawfully admit-
21 ted” and all that follows and inserting a period;

22 (2) in paragraph (2), by striking “described in
23 paragraph (1)”; and

24 (3) by adding at the end the following new
25 paragraph:

1 “(4) The limitation on payments provided under
2 paragraph (1) shall not apply with respect to medical as-
3 sistance furnished to an alien—

4 “(A) who has been lawfully admitted to the
5 United States for permanent residence, is 75 years
6 of age or older, and has resided in the United States
7 for at least 5 years;

8 “(B) who has been lawfully admitted to the
9 United States pursuant to section 207 of the Immi-
10 gration and Nationality Act, during the 6-year pe-
11 riod beginning on the date such alien was so admit-
12 ted to the United States;

13 “(C) who has been granted asylum under sec-
14 tion 208 of the Immigration and Nationality Act,
15 during the 6-year period beginning on the date the
16 alien was so granted asylum; or

17 “(D) the alien—

18 “(i) is a veteran (as defined in section 101
19 of title 38, United States Code) with a dis-
20 charge characterized as an honorable discharge,

21 “(ii) is on active duty (other than active
22 duty for training) in the Armed Forces of the
23 United States, or

1 “(iii) is the spouse or unmarried dependent
2 child of an individual described in clause (i) or
3 (ii).”.

4 (b) EFFECTIVE DATES.—

5 (1) GENERAL EFFECTIVE DATE.—Except as
6 provided in paragraph (2), the amendments made by
7 subsection (a) shall take effect on October 1, 1995,
8 or on the first day of the first month beginning after
9 the date of the enactment of this Act, whichever oc-
10 curs later, and shall apply to medical assistance fur-
11 nished to an alien during quarters beginning on or
12 after such date, without regard to whether or not
13 regulations to carry out such amendments have been
14 promulgated by such date.

15 (2) SPECIAL EFFECTIVE DATE.—If an alien is
16 eligible for medical assistance under a State plan
17 under title XIX of the Social Security Act imme-
18 diately before the amendments made by subsection
19 (a) take effect in accordance with paragraph (1),
20 then such amendments shall not be effective with re-
21 spect to such alien until October 1, 1996.

1 **Subtitle B—Other Provisions**
2 **Relating to Aliens**

3 **SEC. 211. SPONSOR RESPONSIBILITY FOR COSTS OF IN-**
4 **COME-BASED CASH PUBLIC ASSISTANCE PRO-**
5 **VIDED TO AN ALIEN.**

6 An affidavit of support or similar document of finan-
7 cial responsibility with respect to the admission into the
8 United States of an alien under the Immigration and Na-
9 tionality Act shall provide that the sponsor shall be liable
10 for any costs incurred by any State or a political subdivi-
11 sion of a State for income-based cash public assistance
12 provided to such alien until the date on which the alien
13 becomes a citizen of the United States.

14 **SEC. 212. ENFORCEMENT OF AFFIDAVITS OF SUPPORT OR**
15 **FINANCIAL RESPONSIBILITY BY STATE AND**
16 **LOCAL GOVERNMENTS PROVIDING ASSIST-**
17 **ANCE.**

18 An affidavit of support or document of financial re-
19 sponsibility referred to in section 711 may be enforced
20 with respect to an alien against the alien's sponsor in a
21 civil suit brought by the Attorney General or a State or
22 political subdivision of a State in the United States district
23 court for the district in which the sponsor resides for the
24 recovery of any costs incurred by any State or political
25 subdivision of a State for income-based cash public assist-

1 ance provided to such alien for which the sponsor agreed
2 to be liable under such an affidavit or document. A spon-
3 sor or the sponsor's estate shall not be liable under such
4 an affidavit or document if the sponsor dies or is adju-
5 dicated a bankrupt under title 11, United States Code.

6 **SEC. 213. AUTHORITY TO STATES AND LOCALITIES TO**
7 **LIMIT ASSISTANCE TO ALIENS AND TO DIS-**
8 **TINGUISH AMONG CLASSES OF ALIENS IN**
9 **PROVIDING INCOME-BASED CASH PUBLIC AS-**
10 **SISTANCE.**

11 (a) IN GENERAL.—Subject to subsection (b) and not-
12 withstanding any other provision of law, a State or local
13 government may prohibit or otherwise limit or restrict the
14 eligibility of aliens or classes of aliens for programs of in-
15 come-based cash public assistance furnished under the law
16 of the State or a political subdivision of a State.

17 (b) LIMITATION.—The authority under subsection (a)
18 may be exercised only to the extent that any prohibitions,
19 limitations, or restrictions are not inconsistent with the
20 eligibility requirements for comparable Federal programs
21 or are less restrictive. For the purposes of this section,
22 attribution to an alien of a sponsor's income and resources
23 for purposes of determining the eligibility for and amount
24 of benefits of an alien shall be considered less restrictive
25 than a prohibition of eligibility.

1 (c) VERIFICATION OF STATUS.—Notwithstanding
2 any other provision of law, pursuant to the authority of
3 subsection (a) a State or local government may verify the
4 citizenship or alien status of any individual for purposes
5 of eligibility for any program of income-based cash public
6 assistance.

7 TITLE III—GRANTS TO STATES TO
8 COMPENSATE FOR RESIDENT LAWFUL ALIENS
9 **SEC. 301. GRANTS TO STATES TO COMPENSATE FOR RESI-**
10 **DENT LAWFUL ALIENS.**

11 (a) IN GENERAL.—

12 (1) ELIGIBLE STATES.—Except as otherwise
13 provided in this section, a State shall be entitled to
14 a grant under this section for a fiscal year on the
15 basis of the number of lawful aliens residing in the
16 State for the preceding fiscal year as determined by
17 the Attorney General under paragraph (2). Grants
18 under this section shall be used in accordance with
19 subsection (d).

20 (2) ALLOCATION OF FUNDS.—The amount ap-
21 propriated under subsection (b) shall be allocated
22 among the eligible States by allocating to each such
23 State an amount which bears the same ratio to such
24 amount as the number of lawful aliens residing in
25 the eligible State for the preceding fiscal year bears

1 to the number of such aliens residing in all eligible
2 States for such fiscal year.

3 (3) DETERMINATION OF NUMBER OF LAWFUL
4 RESIDENT ALIENS.—For purposes of this section,
5 the Attorney General shall determine the number of
6 lawful aliens residing in each State on the basis of
7 the most recent satisfactory data available from the
8 Immigration and Naturalization Service. The Com-
9 missioner of Immigration and Naturalization shall
10 collect and transmit, in a timely fashion, the infor-
11 mation required by this section to the Attorney Gen-
12 eral.

13 (4) DEFINITION.—For purposes of this sec-
14 tion—

15 (A) the term “State” includes the District
16 of Columbia; and

17 (B) the term “lawful alien” means an alien
18 who is lawfully residing in the United States
19 under the immigration laws of the United
20 States at the time such alien is counted for pur-
21 poses of this section.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated \$5,000,000,000 for each
24 of the fiscal years 1997, 1998, 1999, and 2000 to carry
25 out this section.

1 (c) DURATION OF ASSISTANCE.—During the period
2 beginning October 1, 1996, and ending September 30,
3 2000, the Attorney General shall, in accordance with the
4 provisions of this section, make payments to States for
5 grants made on the basis of entitlements created under
6 this section.

7 (d) USE OF FUNDS.—Amounts made available to the
8 States through grants under this section may be obligated
9 and expended only for services and activities for, or related
10 to, aliens for any of the following purposes:

11 (1) Provision of, or reimbursement for,
12 healthcare for the needy.

13 (2) Elementary and secondary education.

14 (3) State and local assistance to the Border Pa-
15 trol.

16 (4) Facilities for the temporary incarceration of
17 aliens not lawfully present in the United States.

18 (5) State and local assistance in the deportation
19 of aliens.

20 (6) Citizenship programs for aliens lawfully ad-
21 mitted for permanent residence.

22 (7) Assistance to State and local law enforce-
23 ment for enforcement of the immigration laws of the
24 United States.



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